adopted by the Administrative Law Judge in his Proposal for Decision as the lowest appropriate rate. Using the Staff formula yields a pole attachment rate of $11.13 for The Detroit Edison Company. It would be necessary to calculate a rate for Consumers Power Company using this formula in order to devise a state-wide rate. The reason to employ this formula was succinctly stated by the Administrative Law Judge who observed:

> The methodology chosen should produce a fair, just and reasonable rate for the utility, its customers and the attaching third parties. . . . [T]he existing rate does not fully recover the appropriate costs associated with providing the attaching service. If that is true, then the rate is unfair to the utility customer because the customer is then required to subsidize the attaching party. Removal of the subsidy and a full recovery of appropriate costs by the utility must, therefore, necessitate an increase in the rate.

Proposal for Decision at 45-46.

All revenues generated from pole attachments reduce the revenue requirement otherwise necessary to be paid in the form of rates from electric ratepayers. Thus, the higher the attachment rate, the lower electric rates may be. The artificially low rate adopted by the majority today robs the electric ratepayers for the benefit of attaching parties who are under no compulsion to lower the cost of their services on account of the low attachment rate.

John C. Shea, Commissioner

EXHIBIT 2

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

OPINION NO. 97-10

CASE 95-C-0341 - In the Matter of Certain Pole Attachment Issues Which Arose in Case 94-C-0095.

OPINION AND ORDER SETTING POLE ATTACHMENT RATES

Issued and Effective: June 17, 1997

TABLE OF CONTENTS

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

COMMISSIONERS:

John F. O'Mara, Chairman
Eugene W. Zeltmann
Thomas J. Dunleavy

CASE 95-C-0341 - In the Matter of Certain Pole Attachment Issues Which Arose in Case 94-C-0095.

OPINION NO. 97-10

OPINION AND ORDER
SETTING POLE ATTACHMENT RATES

(Issued and Effective June 17, 1997)

BY THE COMMISSION:

INTRODUCTION

On April 10, 1995, we initiated this proceeding to address pole attachment matters that arose in Case 94-C-0095.[1] In that case, concerns were expressed about the pole attachment rates cable television companies, and others, would pay when they provide telephone services that compete with those offered by the incumbent local telephone companies. We decided to reexamine our fundamental approach to pole attachment matters here and to address any issues about market entry and fair competition.

Early in this case, we approved interim pole attachment rates for new providers of telecommunication services so there would be no impediment to competition pending this proceeding. The prevailing pole attachment rates for cable television

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[1] Case 95-C-0341, Order Establishing Additional Process on Pole Attachment Issues (issued April 10, 1995). Case 94-C-0095 pertains to telecommunications competition in the local exchange market.

television companies,[1] the incumbent local telephone companies,[2] AT&T,[3] and Omnipoint Communications Inc.[4] These parties also filed reply briefs on March 10, 1997.

Summary of the Recommended Decision

1. Jurisdiction

Judge Bouteiller urged us to continue to exercise full authority over pole attachment rate and operational matters without necessarily adhering to the Federal Communications Commission's (FCC's) approach to such matters. He also recommended that we clarify, for the parties' benefit, our authority to provide third-party access to utility facilities. Finally, with respect to jurisdictional matters, the Judge supported an amendment to Public Service Law (PSL) §119-a that would eliminate its specific provisions for cable television companies.

2. Pole Attachment Rates

The Judge supported a continuation of the "usable space" approach currently in use to set pole attachment rates and recommended that we reject a NYSTA proposal to preclude electric companies from obtaining lease revenues from the telecommunications portion of the pole.

However, the Judge urged us to change the prevailing approach to pole attachment rates to foster local

---

[1] The cable television companies were represented by their trade association, the Cable Television and Telecommunications Association of New York, Inc. (CTTANY).

[2] The local telephone companies were represented by the New York State Telephone Association, Inc. (NYSTA).

[3] AT&T Communications of New York, Inc. and Cellular Telephone Co. (doing business as AT&T Wireless Services) participated jointly in this case.

[4] Omnipoint is a personal communications service provider that uses wireless microwave facilities and has begun to operate in the metropolitan New York City area.

4. Operational and Other Matters

In addition to addressing rate matters, the Judge reported that the parties have begun to address various operational concerns pertaining to utility poles, a process that remains in progress.

Next, the Judge addressed wireless telecommunication attachments to utility facilities. He proposed that we set rates for wireless attachments to utility poles, and that we allow the price for attachments to high-voltage electric transmission towers to be set through private negotiations.

Finally, the Judge recommended that we oversee any access issues concerning any other "pathway" facilities owned and operated by utility companies.

The parties' exceptions to the Judge's recommendations are presented and resolved in the following sections. In general, we have decided to simplify the regulation of pole attachment rates and operations in New York, intending thereby to encourage telecommunications competition and to stimulate economic development. These objectives can be best achieved by our adopting many, if not all, elements of the federal approach to pole attachment rates and operations as detailed below. While we retain full jurisdiction over pole attachment matters, our new approach to pole attachments will adhere to the FCC's methods and practices unless we find a compelling reason to depart from them.

JURISDICTIONAL ISSUES

Pole Attachment Rates

No party has proposed that we renounce our jurisdiction over pole attachment matters; all recognize our responsibilities pursuant to PSL §119-a. However, CTTANY proposes that we exercise our authority by adopting the FCC approach to pole attachment rates and operations. In support of its proposal, CTTANY notes that such states as Ohio and Michigan have largely conformed their requirements to the FCC approach and that the federal approach is being followed by about 31 states in all.

gain entry to poles, ducts, conduits, and rights-of-ways throughout the State.

On exceptions, CTTANY disputes any suggestion by the Judge that we have exclusive jurisdiction over such facilities. It says we are obliged, by the Telecommunications Act of 1996, to apply to utility companies various federal standards that are designed to increase telecommunications competition throughout the nation. In support of its position, CTTANY points to 47 USC §253(a) as precluding any state and local action that prohibits a firm from providing telecommunications services.

As noted above, we have decided, as a matter of our own discretion, to apply the same approach to pole attachment rates and operations in New York as is used in the majority of states. Our action promotes uniform practices and eliminates any differences that could have adverse consequences for competition and economic development. Thus, there is no conflict, nor any tension, between federal requirements and the exercise of our jurisdiction.

PSL §119-a

The Judge supported an amendment to PSL §119-a that would eliminate its specific provisions for cable television companies. If enacted, this change would make the statute's general provisions applicable to all entities that attach facilities to utility poles.

On exceptions, CTTANY urges that no changes be made to PSL §119-a. Contrary to the Judge's view that the cable television industry no longer requires any special treatment, CTTANY claims that such companies continue to require protection from utility companies, which may seek to charge substantial amounts for their facilities. If there were no ceiling on pole attachment rates, CTTANY fears, rate litigation would ensue. CTTANY says cable television companies continue to need the stable and predictable pole attachment rates that the existing statute fosters.

telecommunications attachments should be kept by the telephone company. According to NYSTA, electric services should be kept distinct from telecommunications and this is best accomplished by not allowing electric companies to share in pole attachment revenues. NYSTA believes the telephone utilities have an equitable ownership interest in the portion of the pole that is being encroached upon and are therefore entitled to the compensation for the space surrendered. NYSTA claims it is unfair to allow the electric utilities to obtain windfall revenues from telecommunications attachments.

The electric industry opposes this portion of NYSTA's proposal. It says such matters as this should be left to the electric and telephone companies to negotiate, as has been the case. The electric industry denies that the telephone utilities lose the use of the portion of the pole they have paid for over the years.

NYSTA's exception is denied. We have allowed the division of pole attachment revenues to be determined by the negotiations that individual electric and telephone companies routinely conduct for this and other matters involving their joint use of utility poles. We see no need nor any compelling reason to interject ourselves into these matters now.

Fully Allocated Costs

Currently, pole attachment rates for cable television companies are set at the high end of the range permitted by law.[1] This is accomplished by allowing the utility companies to include a fully-allocated portion of their administrative, operating and maintenance, and other costs in the rates they charge. At first, the Commission allowed utility companies to allocate only 75% of

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[1] Public Service Law §119-a provides that "[a] just and reasonable [pole attachment] rate shall assure the utility of the recovery of not less than the additional cost of providing a pole attachment . . . nor more than the actual operating expenses and return on capital of the utility attributed to that portion of the pole . . . used."

CTTANY also excepts to the Judge's recommendation to change the prevailing cost formula. While it does not oppose the use of incremental costs, it fears the electric industry will use any change in method to seek higher rates. Rather than allow this, CTTANY urges us to simplify our approach and conform our cost allocation method to the FCC's.

As to the electric industry's TSLRIC proposal, CTTANY sees several flaws in it. First, it objects to the use of industry revenues to measure the relative demand for pole attachments. According to CTTANY, a better approach would be to use the number of subscribers to each industry's service offerings. Also in opposition to the use of industry revenues, CTTANY points out that some revenues are unrelated to utility poles. For example, poles are not used to provide electricity or telephone service in much of Manhattan, and thus the revenues received from this location do not pertain to poles.

Finally, CTTANY objects to reproduction costs being used to calculate long-run incremental costs. Among other things, it says reproduction costs are not conventionally used for ratemaking purposes and they are unnecessary as long as pole attachers continue to pay up front the makeready costs for their attachments.

We see no need to depart from the use of fully allocated costs for setting pole attachment rates. The competition the Judge seeks to encourage is fully contemplated by the Telecommunications Act of 1996, and that statute's approach to such matters is being pursued. Consequently, it is not necessary for us to devise here any new cost allocations or cost assignments. Accordingly, we are granting the electric industry's, NYSTA's, and CTTANY's exceptions, which urge us to retain the fully allocated cost method. However, as explained above, we have decided to follow the federal approach to pole attachment matters. From now on, when these costs are calculated for New York utilities, such calculations should conform to the FCC's formula. The parties' exceptions on this point are addressed next.

Ground Clearance

Ground clearance requirements determine the amount of usable space available on utility poles. In this case, CTTANY proposed that we switch to the FCC method for setting ground clearances for pole attachment rate purposes. The FCC uses standard values for ground clearances taken from the National Electric Safety Code. The benefit of this approach is that utility companies can avoid the cost and work of conducting outside plant surveys to determine their pole attachment rates. However, if a utility chooses to rebut the standard values, it may submit a study for review.

Believing that the issue here raised matters of public safety, the Judge rejected CTTANY's proposal and recommended that the electric and telephone companies continue to use prevailing ground clearance measurements to set pole attachment rates. On exceptions, however, CTTANY insists that economic choices, as much as safety considerations, influence utility company decisions as to where to install their facilities on the poles. In effect, CTTANY maintains that there are instances where a utility, in an effort to control costs, may install facilities other than at the lowest possible point on a pole. It continues to urge us to ease the administrative burden of calculating and verifying ground clearances by adopting the FCC's approach.

In response, the electric industry insists that ground clearances are set as safety considerations warrant. It also says the industry's practices conform with the applicable standards.

The issue here does not raise safety considerations, for no party is proposing that any changes be made to the utility companies' operating practices. The issue concerns only the preferable means for setting just and reasonable pole attachment rates. On this score, we see substantial benefit in CTTANY's proposal to follow the FCC approach. By using standard values from the electrical safety code, and by establishing a rebuttal presumption supporting them, the FCC approach offers a simple

much as possible, conform to the federal method. Approached from this perspective, the electric industry's exception should also be denied, for our examination of the FCC method shows that it assigns neutral space to the electric utilities.

Co-Lashed Facilities

The electric industry proposed that new pole attachers that co-lash to existing facilities (thereby otherwise avoiding pole attachment charges) be required to pay pole owners a pro rata portion of the poles' common costs. Such attachers would not have to pay for any usable space since their attachments would require no additional pole space. The other parties did not adequately address this proposal so the Judge directed them to respond to it in their briefs on exceptions.

NYSTA supports the electric industry proposal and says it is consistent with the provisions of the Telecommunications Act of 1996. But it believes the telephone utilities should keep all such revenues.

CTTANY opposes the proposal and disputes NYSTA's claim that it is consistent with the federal approach. CTTANY says the Telecommunications Act of 1996 imposes no additional charges for a cable television attachment that has telecommunications facilities co-lashed to it, other than the gradual ramp-up in telecommunications pole attachment rates scheduled for 2001 through 2006.

AT&T also opposes the electric industry proposal, claiming there is no need for pole owners to attribute any common costs to co-lashed facilities. Other than ensuring that pole owners allow co-lashing, and provide non-discriminatory access to pole attachments, AT&T would have us adopt no other rules for co-lashed facilities. It believes that interested persons should be allowed to negotiate with any pole attachers the fees and terms for co-lashing arrangements.

In this instance, the parties present conflicting views about the federal guidelines for pole attachment rates that apply to co-lashed facilities. We agree with CTTANY that any cable

provides. On the other hand, the electric industry proposal would expose pole attachers to incorrect charges, and it should therefore be avoided.

Pole Attachment Rate Freeze

To forestall any loss of current revenues for electric and telephone utilities due to changes in pole attachment rates, the Judge recommended that existing pole attachment rates be frozen until such time as the new approach produces rates higher than those now in place, which he expected to be several years hence.

On exceptions, CTTANY says it is willing to go along with a rate freeze so long as we adopt the FCC approach now and the rate freeze does not extend beyond February 2001. At that time, CTTANY recognizes, competitive telecommunications service providers, and the cable television companies that provide such services, should begin to pay higher rates gradually over the five-year transition period provided by the Telecommunications Act of 1996.

NYSTA and AT&T oppose a rate freeze but for different reasons. NYSTA believes that current rate levels should increase as necessary to provide pole owners reasonable compensation. But AT&T considers the existing rates to be too high and urges us to set them at a lower level.

To determine the likely consequences of switching to the federal approach, we have examined the application of the FCC formula to the electric utility companies. If the change were made now, four companies' pole attachment rates would remain about the same or increase slightly, but three companies' pole attachment rates would drop by significant amounts. Given these consequences, we are adopting the Judge's recommendation to freeze the prevailing rate levels until the FCC begins to implement its new pole attachment rates for competitive telecommunication companies, starting in 2001. This approach benefits not only the electric industry but also telephone companies (other than LECs) considering the provision of

Responding to the claim that excessive pole modification costs were charged to cable television companies in other states, the electric industry says the facts of these events are not sufficiently well known to have any bearing here. The electric industry sees no competitive disadvantage for telecommunications carriers under the prevailing approach. If CTTANY and AT&T prefer to avoid separate charges for makeready, rearrangement and replacement costs, the electric industry says, they should support the use of the TSLRIC approach, which includes these costs in the annual rate charged for pole attachments.

Here too, substantial benefits can be gained by eliminating unnecessary regulatory differences among the jurisdictions in which competing firms operate. By simplifying our regulation of pole attachment matters, and by conforming our approach to the federal one, we are eliminating any barrier to entry and any disincentive to competition that might result from adhering to a different approach.

OPERATIONAL AND OTHER MATTERS

Operational Matters

Noting the progress made in this proceeding on rate issues, the Judge directed the parties to begin to address pole attachment operational concerns. Since the recommended decision was issued, they have met on at least three occasions, and the electric industry reports that their differences have narrowed. Thus, there are prospects that the ongoing discussions will resolve some, if not all, of their operational concerns. The parties plan to continue to meet regularly and, if their efforts are unsuccessful, CTTANY suggests we step in and decide any contested matters.

Wireless Facilities

Two firms, Omnipoint and AT&T Wireless, presented concerns about wireless telecommunications. In general, the Judge concluded that such firms should have non-discriminatory

attachments to high-voltage electric towers may prove to be unnecessary if the electric utilities and wireless firms are able to set their own, market-based rates for such attachments. Before we would consider adopting any elaborate regulatory approach to such matters, the parties should attempt to structure their own transactions. Only if an electric utility refuses to negotiate in good faith, or otherwise unreasonably frustrates negotiations, should we become directly involved in such matters. We note that this overall approach is consistent with the processes employed by the Telecommunications Act of 1996.

2. Utility Distribution Poles

The electric industry believes that wireless attachments to utility poles should also be subject to private negotiations. In support of its position, the electric industry claims that a competitive market exists for wireless attachments; wireless firms are capable of negotiating their own agreements; wireless facilities may not conform to the communications space available on utility poles; and there is no urgency that warrants governmental intervention. It further claims that Omnipoint has already met its initial FCC-imposed "build out" requirements.[1]

As to the market for wireless attachments, the electric industry claims as many alternatives exist for these facilities as there are elevated locations. Consequently, the electric industry believes it should be allowed to obtain the same prices that wireless firms would pay to other owners of available locations.

Turning to the differences between wire and wireless pole attachments, the electric industry says it is currently unclear how the wireless firms would seek to use the poles. If they expect to use the tops of the poles, and expect to reach heights of 70 to 90 feet, the electric industry continues, the

[1] This refers to federal licensing requirements that wireless firms install sufficient facilities to serve increasingly larger percentages of the population in their service areas.

3. CTTANY's Exception

CTTANY urges us to maintain the distinction between high-voltage electric transmission towers and utility poles with transmission lines attached to them. If private negotiations are allowed for attachments to electric transmission towers, CTTANY believes, regulated rates should still prevail for standard attachments to electric distribution poles that may also have electric transmission lines on them.

CTTANY is correct and we will continue to distinguish between high-voltage electric transmission towers, for which attachments have not previously been sought, and utility company distribution poles that are subject to tariff rates for standard attachments.

Pathway Facilities

The term "pathway facilities" was coined by AT&T and used by it to refer to all utility facilities to which a telecommunications carrier may require access, including poles, conduits, ducts, manholes, controlled environment vaults, rights-of-way, entrance facilities, building vaults, risers, and telephone closets. AT&T seeks to establish non-discriminatory access rights to all such facilities.

The Judge generally agreed with AT&T that access to such facilities should be available to competitive service providers and that any such troublesome access matters should be addressed when they appear. On exceptions, the electric industry says there is no need to expand this proceeding to consider pathway facilities now. It points out that the record presents no such issues to warrant our attention.

In response, AT&T and CTTANY take odds with the electric industry's characterization of the record, the Judge's recommended decision, and certain FCC decisions. AT&T continues to urge us to address pathway facilities here.

The Judge has adequately addressed this matter, which does not require any specific action at this time. In the future, should such matters as access to buildings and other

CASE 95-C-0341 APPENDIX

SUBJECT: Filings by:

CENTRAL HUDSON GAS & ELECTRIC CORPORATION
(Case 97-E-0761)

Amendment to Schedule P.S.C. No. 14 - Electricity
Nineteenth Revised Leaf No. 22M
Issued: April 10, 1997 Effective: August 1, 1997
Received: April 14, 1997

LONG ISLAND LIGHTING COMPANY
(Case 97-E-0713)

Amendment to Schedule P.S.C. No. 7 - Electricity
Twentieth Revised Leaf No. 27C
Issued: March 27, 1997 Effective: July 1, 1997
Received: March 27, 1997

NEW YORK STATE ELECTRIC & GAS CORPORATION
(Case 96-E-0470)

Amendment to Schedule P.S.C. No. 90 - Electricity
Thirteenth Revised Leaf No. 22
Issued: April 23, 1996 Effective: July 1, 1996*
Received: April 29, 1996
*Postponed to July 1, 1997 by S.P.O. 96-E-0470SP2

NIAGARA MOHAWK POWER CORPORATION
(Case 96-E-0533)

Amendment to Schedule P.S.C. No. 207 - Electricity
Twenty-Second Revised Leaf No. 71
Issued: June 10, 1996 Effective: September 16, 1996*
Received: June 12, 1996
*Postponed to July 1, 1997 by S.P.O. 96-E-0533SP2

ORANGE AND ROCKLAND UTILITIES, INC.
(Case 97-E-0805)

Amendment to Schedule P.S.C. No. 2 - Electricity
Seventeenth Revised Leaf No. 21G
Issued: April 18, 1997 Effective: August 1, 1997
Received: April 18, 1997

ROCHESTER GAS AND ELECTRIC CORPORATION
(Case 97-E-0481)

Amendment to Schedule P.S.C. No. 14 - Electricity
Fourth Revised Leaf No. 71B
Issued: March 7, 1997 Effective: July 1, 1997
Received: March 6, 1997

EXHIBIT 3

Average Pole Height: Niagara Mohawk, Detroit Edison, Consumers Power

	Avg. Height	Total Poles	%	Factor		
Niagara Mohawk	36.994	492,348	17.72%	6.556353324		
Detroit Edison	41.032	970,077	34.92%	14.32809844		
Consumers Power	40.73	1,315,601	47.36%	19.2871323		
		2,778,026	100.00%	**40.17**	**Aggr. Avg. Pole Ht.**	

Derivation of Weighted Averages

Niagara Mohawk						
Source: NYPSC Case No. 95-C-0341	**Pole Height**	**Number**	**%**	**Footage Factor**		
Ex. 8 (EUP-1)	20	670	0.136%	0.027216522		
	25	1,409	0.286%	0.071544924		
	30	72,001	14.624%	4.387201735		
	35	190,342	38.660%	13.53101871		
	40	192,493	39.097%	15.63877583		
	45	29,644	6.021%	2.709425041		
	50	3,741	0.760%	0.379914207		
	55	1,016	0.206%	0.113496957		
	60	556	0.113%	0.067756952		
	65	247	0.050%	0.032609049		
	70	115	0.023%	0.016350224		
	75	65	0.013%	0.009901533		
	80	28	0.006%	0.004549627		
	85	10	0.002%	0.001726421		
	90	2	0.000%	0.000365595		
	95	9	0.002%	0.001736577		
	Total	492,348	100%	36.994		
Detroit Edison						
Source Mich. PSC Case No. U-10831	25	10,218	1.053%	0.263329612		
10831-MTDE1.9/9	30	56,550	5.829%	1.748830247		
	35	178,065	18.356%	6.424515786		
	40	464,753	47.909%	19.16355093		
	45	153,409	15.814%	7.116347465		
	50	44,747	4.613%	2.306363309		
	55	20,728	2.137%	1.17520568		
	60	16,641	1.715%	1.029258502		
	65	11,510	1.187%	0.771227439		
	70	6,962	0.718%	0.502372492		
	75	3,159	0.326%	0.24423319		
	80	1,978	0.204%	0.163121072		
	85	850	0.088%	0.074478624		
	90	327	0.034%	0.030337798		
	95	66	0.007%	0.006463404		
	100	94	0.010%	0.009689952		
	105	5	0.001%	0.000541194		
	110	9	0.0009%	0.001020538		
	115	2	0.0002%	0.000237095		
	120	4	0.0004%	0.000494806		
	Total	970,077	100.00%	41.032		

Average Pole Height: Niagara Mohawk, Detroit Edison, Consumers Power

Consumers Power (1)						
Source: Mich. PSC Case No. U-10831	**Pole Height**		**%**	**Footage Factor**		
10831-MCTA-CP-9	20	18,765	1.426%	0.285268862		
	25	18,765	1.426%	0.356586077		
	30	18,764	1.426%	0.42788049		
	35	381,307	28.983%	10.14421926		
	40	381,307	28.983%	11.59339344		
	45	381,306	28.983%	13.04253341		
	50	40,921	3.110%	1.55522077		
	55	40,922	3.111%	1.710784653		
	60	15,176	1.154%	0.69212474		
	65	16,590	1.261%	0.819663409		
	70	1,154	0.088%	0.061401595		
	75	272	0.021%	0.015506221		
	80	152	0.012%	0.009242924		
	85	199	0.015%	0.012857242		
	90	1	0.000%	6.840980E-05		
	Total	1,315,601	100%	40.73		
(1) Note: For poles below 30 feet, poles from 35 to 45 feet, and 50 to 55 feet, simple per-height averages were used because Detroit Edison information was available only in aggregate groupings (e.g. 1,143,920 poles between 5 and 45 feet.)						

Ex. #2

1/15/97

NMPC Distribution Poles

as of 12/31/95

Pole Height -ft	Sole Owned	Joint Owned	Total	% of total
20	670	340	1010	0.1%
25	1,409	1,472	2881	0.2%
30	72,001	34,254	106255	9.1%
35	190,342	214,883	405225	34.6%
40	192,493	347,752	540245	46.2%
45	29,644	70,341	99985	8.5%
50	3,741	6,682	10423	0.9%
55	1,016	1,371	2387	0.2%
60	556	500	1056	0.1%
65	247	187	434	0.0%
70	115	56	171	0.0%
75	65	17	82	0.0%
80	28	10	38	0.0%
35	10	0	10	0.0%
90	2	2	4	0.0%
95	9	0	9	0.0%
total	492,348	677,867	1170215	100.0%

EXHIBIT ____ (EUP - 1)

Case No.: U-10831
Witness: G.R. Spence
Requester: MCTA
Question No.: MTDE1.9/9

Question: 9. How many poles do you own in whole or in part? Please also provide this information in pole equivalents. Identify the number of such poles to which cable TV lines are attached.

Answer: 9. Detroit Edison owned 970,078 poles as of 12/31/94.

25 foot poles - 10,218
30 foot poles - 56,550
35 foot poles - 178,065
40 foot poles - 464,753
45 foot poles - 153,409
50 foot poles - 44,747
55 foot poles - 20, 728
60 foot poles - 16,641
65 foot poles - 11,510
70 foot poles - 6,962
75 foot poles - 3,159
80 foot poles - 1,978
85 foot poles - 850
90 foot poles - 327
95 foot poles - 66
100 foot poles - 94
105 foot poles - 5
110 foot poles - 9
115 foot poles - 2
120 foot poles - 4

Refer to the answer to question number MTDE 1.2/2(a) for number of poles to which cable TV lines are attached.

10831-MCTA-CP-9

Question:

9. How many poles do you own in whole or in part? Please also provide this information in pole equivalents. Identify the number of such poles to which cable TV lines are attached.

Response:

9. All poles are wholly owned by Consumers Power Company. The number of poles owned as of December 31, 1994, by height, are:

Size	Number
<35	56,924
35′ - 45′	1,143,920
50′ - 55′	81,143
60′	15,176
65′	16,590
70′	1,154
75′	272
80′	152
85′	199
90′	1

A record is not kept of which poles, or by height, that CATV has attachments on.

William C. Bigcraft, being first duly sworn, states that the above response is true and correct to the best of his knowledge, information or belief.

William C. Bigcraft

Sworn before me and subscribed in my presence this 26th day of May, 1995.

Margaret A. Prestler
Margaret A. Prestler
Notary Public, Jackson County, MI
My Commission Expires:
3/31/97

Technical Services-Electric Distribution.

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EXHIBIT 4